

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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In re Applications of
FAMILY STATIONS, INC.
Bakersfield, California
SHEPHERD COMMUNICATIONS, INC.
Shafter, California
For Construction Permit for a
New Noncommercial FM Station

) MM Docket No. 92-187
)
) File No. BPED-890815MC
)
) File No. BPED-891113ME
)
)
)
)

RECEIVED

JAN 15 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Edward Luton
Administrative Law Judge

PETITION OF SHEPHERD COMMUNICATIONS, INC. FOR LEAVE TO AMEND

Shepherd Communications, Inc. ("Shepherd"), by its attorney, petitions for leave to amend its above-captioned application for a new noncommercial FM station at Shafter, California in accordance with the attached engineering material to reduce its operating power and modify its operating parameters. A copy of Shepherd's proposed amendment is attached hereto.

By Hearing Designation Order (HDO), released August 19, 1992 (Mimeo No. DA-92-1080), the Commission designated for comparative hearing the application of Family Stations, Inc. ("Family") for Bakersfield and the applications of Shepherd and Skyride Unlimited Incorporated ("Skyride") for Channel 215B at Shafter, California. The Skyride application has been dismissed. And, in order to avoid the expense and delay of a comparative hearing between Family and Shepherd, the parties have reached agreement on a plan whereby the application of Shepherd will be amended to

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reduce power and change operating parameters and the application of Family will be amended to change its proposed channel to 217, move its proposed transmitter location to a new site and modify its operating parameters. These modifications will remove the mutual exclusivity between Family and Shepherd, permitting the applications of both parties, as amended, to be granted without the need for a comparative hearing.

The standard for the acceptability of the amendment proposed herein by Shepherd is "good cause." 47 C.F.R. §73.3522(b). This gauge is satisfied. Grant of the amendment will permit the resolution of what would otherwise be an expensive, both to the Commission and the parties, and time consuming comparative hearing between Family and Shepherd. Grant of the amendment will permit the uncontested grant of two new noncommercial applications in the Bakersfield area.

As noted, grant of the Family amendment will involve a shift from Channel 215 to Channel 217. The Commission has permitted this type of amendment in similar proceedings involving noncommercial applicants confronting a comparative proceeding. For example, in approving a settlement among five noncommercial applicants for new FM stations in the Sacramento, California area, the Commission permitted one of the applicants to amend, among other things, to specify a new channel. Yolo County Public Radio, Mimeo No. 89-111, released March 9, 1990 (ALJ Frysiak). In another proceeding, Cabrini College, MM Docket 89-309 (ALJ August 7, 1989), three of the noncommercial comparative applicants were permitted to amend to specify operation on

different channels than they had applied for originally as part of a settlement of the proceeding. Thus, it is clear that the amendment simultaneously filed by Family is consistent with prior noncommercial comparative proceedings in which amendments to specify a new operating channel have been approved as part of an overall settlement of a hearing case.

The public interest will be served by acceptance of the Shepherd amendment because it is essential to the resolution of the comparative hearing. It will, when combined with the Family amendment, permit two new applications to be granted and will avoid the delay, disruption and expense of a comparative hearing and foster the early activation of the stations.

Conclusion

Therefore, Shepherd respectfully requests that the presiding Judge grant its Petition for Leave to Amend and grant Shepherd's attached amendment.

Respectfully submitted,
SHEPHERD COMMUNICATIONS, INC.

By: 

John K. Hane III

Its Attorney

FISHER, WAYLAND, COOPER
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037
(202) 659-3494

Date: January 15, 1993

APPLICATION FOR CONSTRUCTION PERMIT FOR
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION
(Carefully read instructions before filing form) Return only form to FCC

RECEIVED

For Commission Use Only

File No.

JAN 15 1993

Section 1 - GENERAL INFORMATION

1. Name of Applicant Shepherd Communications, Inc.		
Street Address or P.O. Box P.O. Box 1000		
City Yucaipa	State CA	ZIP Code 92399
Telephone No. (Include Area Code) (714) 790-1848		

Send notices and communications to the licensee at the address below:		
Name Jon E. Fugler, President Shepherd Communications, Inc.*		
Street Address or P.O. Box P.O. Box 1000		
City Yucaipa	State CA	ZIP Code 92399
Telephone No. (Include Area Code) (714) 790-1848		

2. This application is for:

☐

AM

☒

FM

☐

TV

(a) Channel No. or Frequency
215 (90.9 MHz.)

(b) Principal
Community

City

Shafter

State

CA

(c) Check one of the following boxes:

☐

Application for NEW station

☐

MAJOR change in licensed facilities; call sign: _____

☐

MINOR change in licensed facilities; call sign: _____

☐

MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐

MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☒

AMENDMENT to pending application; application file number: _____

BPED-891113ME

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section 1 and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☐

Yes

☒

No

If Yes, state:	Call letters	Community of License	
		City	State

*with copy to David D. Oxenford, Esq.
Fisher, Wayland, Cooper & Leader
1255 23rd Street, N.W., #800
Washington, D.C. 20037
(202) 659-3494

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

N/A Technical Amendment

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 396-A).

SECTION VII - CERTIFICATION

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant <i>SHEPHERD COMMUNICATIONS, INC.</i>	By <i>JOHN E. FUGLER</i>	Title <i>PRESIDENT</i>
Signature <i>[Signature]</i>		Date <i>1/7/93</i>

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 78 to 302 hours 20 minutes with an average of 171 hours 36 minutes per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0034), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____
--	--

Name of Applicant

SHEPHERD COMMUNICATIONS, INC.

Call letters *if issued*

Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: DNA

Purpose of Application: *(check appropriate boxes)*

- | | |
|--|---|
| <input checked="" type="checkbox"/> Construct a new (main) facility | <input type="checkbox"/> Construct a new auxiliary facility |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input type="checkbox"/> Modify licensed main facility | <input type="checkbox"/> Modify licensed auxiliary facility |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- | | |
|--|--|
| <input type="checkbox"/> Antenna supporting-structure height | <input checked="" type="checkbox"/> Effective radiated power |
| <input checked="" type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency |
| <input type="checkbox"/> Antenna location | <input checked="" type="checkbox"/> Class |
| <input type="checkbox"/> Main Studio location | <input type="checkbox"/> Other <i>(Summarize briefly)</i> |

File Number(s) BPED-891113ME

1. Allocation:

Channel No.	Principal community to be served:			Class <i>(check only one box below)</i>
215	City	County	State	<input type="checkbox"/> A <input checked="" type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C3 <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C <input type="checkbox"/> D
	Shafter	Kern	CA	

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

On file, no change.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	35	°	25	'	10	"	Longitude	119	°	11	'	54	"
----------	----	---	----	---	----	---	-----------	-----	---	----	---	----	---

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

BPH-9104091C, BLH-890830KA, BPH-880217MN

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

No change to existing structure height.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	0	'	"	Longitude	0	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.
E-2Date 31-DEC-92Office where filed Western Pacific Regional

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	<u>Joe Gottlieb Field</u>	<u>5.73</u>	<u>175.97°</u>
(b)	<u></u>	<u></u>	<u></u>

7. (a) Elevation: *(to the nearest meter)*(1) of site above mean sea level; 103.3 meters(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 116.0 meters(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 219.3 meters(b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical(1) above ground 91.1 meters (H)91.1 meters (V)(2) above mean sea level [(aX1) + (bX1)] 194.5 meters (H)194.5 meters (V)(3) above average terrain 80.5 meters (H)80.5 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-3

9. Effective Radiated Power:

(a) ERP in the horizontal plane

13.5

kw (H*)

13.5

kw (V*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

DNA

kw (H*)

DNA

kw (V*)

Exhibit No.
DNA

*Polarization

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of horizontally and vertically polarized radiated components in terms of relative field.

Exhibit No.
DNA

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.
DNA

12. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *except citizens band or amateur* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(d) and 73.318.)*

Exhibit No.
E-1

13. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
on file

14. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-4

(a) the proposed transmitter location, and the radials along with profile graphs have been prepared;

(b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and

(c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 2.984 sq. km.Population 354,867

16. Attach as an Exhibit a map *(Sectional Aeronautical charts where obtainable)* showing the present and proposed 1 mV/m (60 dbu) contours.

Exhibit No.
E-5

Enter the following from Exhibit above:

Gain Area 0.0 sq. mi.
Loss Area 810.1 sq. mi.

Percent change (gain area plus loss area as percentage of present area) -41.3 %.

If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

17. For an application involving an auxiliary facility only, attach as an Exhibit a map (*Sectional Aeronautical Chart or equivalent*) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
DNA

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 C.F.R. Section 73.1675. (File No.: DNA)

18. Terrain and coverage data (*to be calculated in accordance with 47 C.F.R. Section 73.313*).

Source of terrain data: (*check only one box below*)

☐ Linearly interpolated 30-second database

☐ 7.5 minute topographic map

(Source: _____)

☒ Other (*briefly summarize*) Linearly-interpolated 3-second Defense Mapping Agency point elevation terrain database.

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0	71.6	29.06
45	43.6	23.25
90	65.6	27.98
135	82.0	30.98
180	90.8	32.62
225	97.6	33.81
270	102.3	34.58
315	90.8	32.62

Allocation Studies

(See Subpart C of 47 C.F.R. Part 73)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?

☐ Yes ☒ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No.
DNA

20. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada?

☐ Yes ☒ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under The Canada-United States FM Agreement of 1947.

Exhibit No.
DNA

21. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following:

Exhibit No.
E-7

- (a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths.
- (b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
- (c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
- (d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
- (e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
- (f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
- (g) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (h) The name of the map(s) used in the Exhibit(s).

22. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as an Exhibit information required in 1/ (*separation requirements involving intermediate frequency (i.f.) interference*).

Exhibit No.
E-1

23.(a) Is the proposed operation on Channel 218, 219, or 220?

☐ Yes ☒ No

(b) If the answer to (a) is yes, does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☐ No

(c) If the answer to (b) is yes, attach as an Exhibit information required in 1/ regarding separation requirements with respect to stations on Channels 221, 222 and 223.

Exhibit No.
DNA

(d) If the answer to (b) is no, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.
DNA

1/ A showing that the proposed operation meets the minimum distance separation requirements. Include existing stations, proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 6)

- (e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations.

Exhibit No.
DNA

The engineering study must include the following:

- (1) Protected and interfering contours, in all directions (360), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibits(s).

24. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525?

☒ Yes ☐ No

If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station.

Exhibit No.
E-1,
E-7D

25. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1-107.9 MHz)?

☐ Yes ☒ No

If Yes, attach as an Exhibit information required in 1/. (Except for Class D (secondary) proposals.)

Exhibit No.
DNA

26. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact?

☐ Yes ☒ No

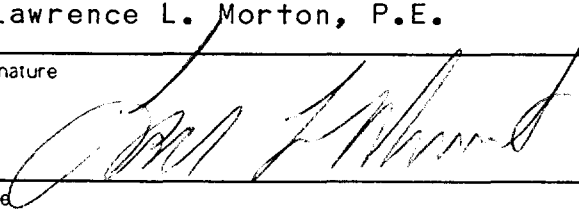
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.
DNA

If No, explain briefly why not. See Exhibits E-1 and E-9

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Lawrence L. Morton, P.E.	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) 1231 Mesa Oaks Lane Mesa Oaks, CA 93436-2309
Date 31-DEC-92	Telephone No. (Include Area Code) 805 733-4275

**ENGINEERING EXHIBITS
MINOR AMENDMENT
TO PENDING APPLICATION
FOR CONSTRUCTION PERMIT**

December 31, 1992

Shepherd Communications, Inc.
FM Channel 215B1 ▫ 90.9 Megahertz
Shafter, California
BPED-891113ME



LAWRENCE L. MORTON ASSOCIATES
1231 MESA OAKS LANE
MESA OAKS, CALIFORNIA 93436-2309
(805) 733-4275 / FAX (805) 733-4793

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EXHIBIT E-1 ENGINEERING STATEMENT

The information and data contained within these Engineering Exhibits were prepared on behalf of Shepherd Communications, Inc., in support of a minor amendment to its pending application for construction permit, BPED-891113ME, to build a new noncommercial educational FM station to serve Shafter, California.

I. MINOR AMENDMENT

The purpose of this minor amendment is to specify a facility that can co-exist with a reduced facility proposed simultaneously by Family Stations, Inc. To resolve the mutual exclusivity between the pending applications of Shepherd Communications, Inc., Channel 215B, BPED-891113ME, Shafter, California, and Family Stations, Inc., Channel 215B1, BPED-890815MC, Bakersfield, California, an agreement between the parties has been reached.

Family Stations, Inc., is proposing to locate on Channel 217A with a directional antenna system and a maximum effective radiated power of 0.106 kW. Shepherd Communications, Inc., herein proposes to locate on Channel 215B1 with a nondirectional antenna system and an effective radiated power of 13.5 kW. With these facilities, it is demonstrated that no prohibited contour overlap will occur and that both applications can be granted.

II. ANTENNA AND TRANSMITTER LOCATION

The proposed transmitter site, located within Kern County, California, is 11.15 kilometers (6.93 miles) from the center of Shafter in a southeasterly direction. The ground elevation at the site is 103.3 meters (339 feet) AMSL.

The geographical coordinates of the proposed site are:

North Latitude: 35 degrees, 25 minutes, 10 seconds
West Longitude: 119 degrees, 11 minutes, 54 seconds

The proposed transmitter site is in use also by licensed Class A station KKBB(FM), BLH-890830KA. Also, Class A station KXHA(FM) has an outstanding construction permit, BPH-880217MN, to construct its facility at the same site and supporting structure. Although interference to KKBB(FM) and KXHA(FM) from the proposed operation is not expected, Shepherd Communications, Inc., will cooperate with the licensees in the elimination of interference, should interference result from operation of the proposed facilities.

The proposed antenna radiation center will be 91.1 meters (299 feet) above ground. Exhibit E-3 shows the vertical plan sketch of the existing tower and proposed antenna

configuration. At the specified antenna height, by methods later described, the height above average terrain was determined to be 80.5 meters (264.2 feet).

III. TECHNICAL PROPOSAL

The applicant proposes to utilize a Harris Corporation Model HT 7FM transmitter with a rated maximum power output of 8.0 kW. An Electronics Research, Inc., model 200-4AE four-bay circularly-polarized, nondirectional FM antenna will be employed. This antenna has a power gain of 3.290 dB (2.1332 A_p). To produce an effective radiated power of 13.5 kilowatts, an antenna input power of 6.3285 kW is required.

Andrew Corporation type HJ8B-50 3" air-dielectric Heliac cable is proposed with a total line length of 91.4 meters (300 feet). The attenuation through this line at the operating frequency is 0.1324 dB per 100 feet.

It is proposed to operate the Harris transmitter with a power output of 6.9344 kW. With a loss of 0.3971 dB in the transmission line, the resultant line efficiency is 91.2627 percent. Coupled with the above specified antenna gain, this combination will produce an ERP of 13.5 kW.

IV. PREDICTED COVERAGE CONTOURS

The locations of the predicted service and interference contours shown in exhibits E-4, E-5, E-7 and E-8 were computed according to computer methods outlined in F.C.C. publication PB-249144, Field Strength Calculations for TV And FM Broadcasting. The computer methods use digitized data taken directly from the graphs of §73.333 Figures 1 and 1a. Intermediate values are obtained using bivariate interpolation techniques for surface fitting.

The average terrain elevations from 3 to 16 kilometers (2 to 10 miles) on radials for each 45 degrees of azimuth starting with True North from the antenna were determined from topographic data obtained from the computerized 3-arc-second Defense Mapping Agency point elevation database. A total of 261 points along each radial were linearly interpolated according to the requirements of §73.312(d). The terrain profiles for these radials are attached as exhibit E-6.

The height above average terrain (HAAT) was computed by averaging the eight radial average terrain elevations below the antenna radiation center according to §73.313(d).

Exhibit E-8 is a cartographic representation of the proposed 70 and 60 dB μ F(50,50) contours overlaid with terrain shielding lines. The distances to the contours were based on the antenna radiation center above average terrain elevations from 3 to 16 kilometers (2 to 10 miles) on 360 radials spaced at one degree azimuthal intervals, as extracted from the aforementioned terrain database.

V. POPULATION AND AREA CALCULATIONS

The 60 dB μ (1.0 mV/m) contour computed along 360 bearings was decomposed and described mathematically by a polygonal area that was used with the computerized 1990 Census of Population and Housing Public Law 94-171 Data made available by the U.S. Department of Commerce, Bureau Of The Census, to determine the population residing within the predicted 60 dB μ contour.

The census count was taken down to the block level for maximum accuracy and resolution. There are approximately 7 million block level records in the database of which 4,425 fall within the proposed 60 dB μ contour. When the centroid coordinates of the census block fell within the predicted contour, the entire population associated with the block was assumed to reside within the contour. When the centroid fell outside the contour, no portion of the population was counted.

The area within the 60 dB μ contour was computed using numerical integration employing the computed distances to the contour along the aforementioned bearings. Distances to intermediate azimuths were obtained mathematically by piecewise third-order polynomial approximations.

VI. PROTECTION TO FCC MONITORING STATIONS

The proposed transmitter site is located 343.1 kilometers (213.2 miles) from the Livermore, California, FCC monitoring station in a direction of 137.6 degrees true. The monitoring station lies on a bearing of 319.1 degrees true from the site.

Because of this great distance, this proposal does not necessitate notification to the Chief of Field Operations Bureau, FCC, of the proposed operation in accordance with the requirements of §73.1030(c).

VII. MINIMUM SPACING REQUIREMENTS

Table One shows a listing of the nearest licensed facilities and allocations currently on file with the required distance separations for pertinent channels. For clarity, facilities that are greater than 350 kilometers beyond the minimum required separations are not shown.

The proposed Class B1 facility is fully spaced under §73.207 except toward first adjacent channel station KCPB(FM) in Thousand Oaks, and to the previously mutually exclusive application of Family Radio, Inc, for Bakersfield, California.

All distances were computed by the methods outlined in §73.208(c) of the Commission's Rules and were rounded to the nearest kilometer according to §73.208(c)(8).

**TABLE ONE
ALLOCATION-PERTINENT STATIONS
AND SPACING REQUIREMENTS OF §73.207**

CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
XHIS-FM	212-C	32° 30' 26"	117° 04' 50"	378. Km	105. Km
KMRO	212-B	34° 24' 47"	119° 11' 10"	112	71
KUFW	213-B	36° 17' 09"	118° 50' 15"	102	71
KILA	213-C	36° 00' 29"	115° 00' 20"	384	105
KPFK	214-B	34° 13' 45"	118° 04' 03"	168	145
PRM	214-C	32° 38' 30"	115° 27' 00"	463	215
KFSR	214-A	36° 48' 42"	119° 44' 43"	162	96
KHDC	215-A	36° 34' 54"	121° 26' 34"	240	143
KXPR	215-B	38° 42' 38"	121° 28' 54"	418	211
XETRA	216-C	32° 30' 24"	117° 04' 49"	378	215
KCPB ¹	216-B	34° 24' 47"	119° 11' 10"	112	145
NEW ²	217-A	35° 26' 17"	118° 44' 22"	42	48
KNIS	217-C	39° 15' 30"	119° 42' 36"	429	105
KUOP	217-B	37° 28' 48"	121° 21' 02"	299	71
KSJV	218-B	36° 38' 15"	118° 56' 35"	137	71
KUNV	218-C1	36° 00' 28"	115° 00' 20"	384	77
KGFM	268-B	35° 26' 20"	118° 44' 23"	42	17
KSBL	269-A	34° 27' 55"	119° 40' 37"	115	12

VIII. ALLOCATION STUDY

The proposed facility is short-spaced to first adjacent channel station KCPB(FM), licensed to Thousand Oaks, California.

The 60 dB μ F(50,50) service and 54 dB μ F(50,10) interference contours from KCPB(FM) and the proposed facility are shown in exhibit E-7C. This exhibit demonstrates that no prohibited overlap of contours is present.

¹ See Allocation Study with respect to this short-spaced station.

² This is the modified Channel 217A proposal of Family Stations to disengage with the mutually exclusive Channel 215B1 application of Shepherd Communications, Inc. See Allocation Study for a discussion of the relevant service and interference contours.

Exhibit E-7A shows the 60 dB μ F(50,50) service and 80 dB μ F(50,10) interference contours from the modified Family Radio, Inc., Channel 217A directional facility and the proposed facility of Shepherd Communications, Inc. Exhibit E-7B shows a detailed map of the Family Radio 60 dB μ service contour and the proposed 80 dB μ interference contour, and that no overlap will occur.

All contours are based on terrain evaluated along 360 bearings from the respective transmitter sites and distances computed using aforementioned techniques.

IX. TELEVISION CHANNEL 6 PROTECTION

According to Table A of §73.525(A)(1), an affected TV Channel 6 station is one that is authorized to operate within 180 kilometers of a Channel 215 FM station. Licensed Channel 6 television station KSBY-TV is located 132.5 kilometers from the proposed transmitter site.

From the KSBY-TV site, terrain profiles between 2 and 10 miles along 360 bearings spaced at one degree azimuthal intervals were evaluated to establish the antenna radiation center above average terrain along these radials. The distances to the KSBY-TV protected 47 dB μ F(50,50) service contour were computed and plotted in exhibit E-7D. On the same exhibit is shown the proposed 80 dB μ F(50,10) interference contour, and that no prohibited overlap occurs.

X. DISTANCE TO BLANKETING CONTOUR

By use of the formulas outlined in §73.318(a), the distance to the 115 dB μ (562 mV/m) blanketing contour is computed to be 1.448 kilometers (0.900 miles).

The aforementioned Census database was used to determine the population residing within the blanketing contour. The database indicates there is one census block within the 6.587 square kilometer (2.543 square miles) blanketed area containing a population of 8 persons.

In compliance with §73.318, the permittee will accept full responsibility for resolving all reasonable complaints of new blanketing interference at no cost to the complainant, except those resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, high gain antennas, antenna booster amplifiers, mobile receivers, and non-RF devices such as tape recorders, phonographs and hi-fi amplifiers. In these exception cases, the permittee will provide technical information on possible remedies for blanketing interference.

XI. CONCLUSION

It is believed that the facility proposed herein, is in compliance with all applicable F.C.C. requirements and international agreements.

It is further believed that all methods employed in making the determinations contained within these Engineering Exhibits were in accordance with applicable F.C.C. Rules and Regulations and Good Engineering Practice.

Lawrence L. Morton, P.E.
Consulting Telecommunications Engineer
December 31, 1992

AFFIDAVIT

State of California)
)
County of Orange) ss:

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: December 31, 1992



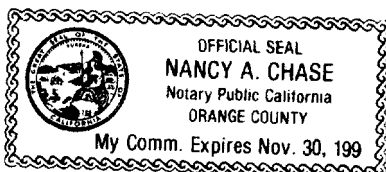
Lawrence L. Morton, P.E.


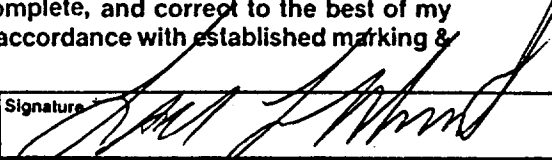
On December 31, 1992, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/94



Notary Public



 US Department of Transportation Federal Aviation Administration		NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION		Aeronautical Study Number	
1. Nature of Proposal A. Type <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alteration			2. Complete Description of Structure A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports C. Include information showing site orientation, dimensions and construction materials of the proposed structure		
B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)			C. Work Schedule Dates Beginning <u>Subject to</u> End <u>FCC approval</u>		
3. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code) (714) 790-1848 area code Telephone Number TO Mr. Jon E. Fugler Shepherd Communications, Inc. P.O. Box 1000 Yucaipa, CA 92399					
B. Name, address and telephone number of proponent's representative if different than 3 above. Lawrence L. Morton, P.E. 1231 Mesa Oaks Lane Mesa Oaks, CA 93436-2309 (805) 733-4275					
4. Location of Structure A. Coordinates (To nearest second) 35° 25' 10" Latitude 119° 11' 54" Longitude B. Nearest City, Town and State Crome, CA C. Name of nearest airport, heliport, flight park, or seaplane base Joe Gottlieb Field (1) Distance to 4B 1.53 Miles (1) Distance from structure to nearest point of nearest runway 5.73 km (2) Direction to 4B 178.3° TN (2) Direction from structure to airport 175.97° TN					
5. Height and Elevation (Complete to the nearest foot) A. Elevation of site above mean sea level 339.0 B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 380.6 C. Overall height above mean sea level (A + B) 719.6					
D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (if more space is required, continue on a separate sheet of paper and attach to this notice.) On file, no change. See 90-AWP-354-0E. No change to existing antenna support structure is proposed.					
Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).					
I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.					
Date 31-DEC-92		Typed Name/Title of Person Filing Notice Lawrence L. Morton, P.E.		Signature 	
FOR FAA USE ONLY					
FAA will either return this form or issue a separate acknowledgement.					
The Proposal: <input checked="" type="checkbox"/> Does not require a notice to FAA <input type="checkbox"/> Is not identified as an obstruction under any standard of FAR Part 77, Subpart C, and would not be a hazard to air navigation. <input type="checkbox"/> Is identified as an obstruction under the standards of FAR Part 77, Subpart C, but would not be a hazard to air navigation. <input type="checkbox"/> Should be obstruction. <input type="checkbox"/> MARKED. <input type="checkbox"/> Lighted per FAA Advisory Circular 707460-1, Chapter(s) _____ <input type="checkbox"/> Obstruction marking and lighting are not necessary.					
Supplemental Notice of Construction FAA Form 7460-2 is required any time the project is abandoned, or <input type="checkbox"/> At least 48 hours before the start of construction. <input type="checkbox"/> Within five days after the construction reaches its greatest height. This determination expires on _____ unless (a) extended, revised or terminated by the issuing office, (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application. NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date. If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.					
Remarks					
Issued In		Signature		Date	

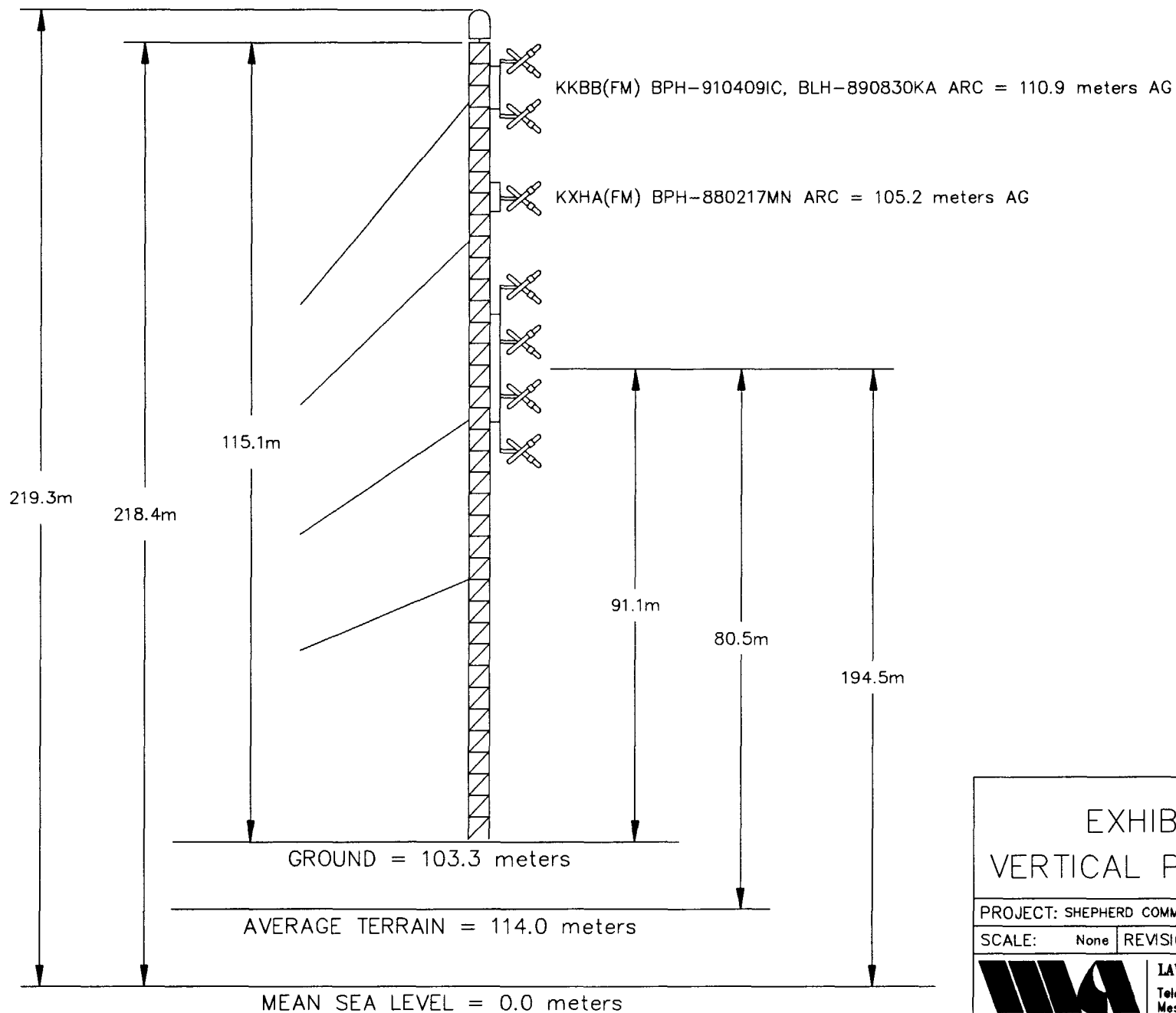


EXHIBIT E-3 VERTICAL PLAN SKETCH

PROJECT: SHEPHERD COMMUNICATIONS	DATE: 31-DEC-92
SCALE: None	REVISION: A
SHEET: 1 of 1	



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

LAND AREA WITHIN 60 DBU CONTOUR: 2,984 SQ KM

CENTER OF MAP:

N LAT 35 24' 23.00"

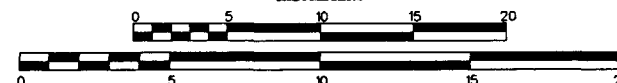
W LON 119 07' 00.00"

Scale 1 : 405,504

EXHIBIT E-4A

PROPOSED 70 AND 60 DBU SERVICE CONTOURS
FROM FCC F(50,50) PROPAGATION CURVES
COMPUTED ALONG 8 BEARINGS

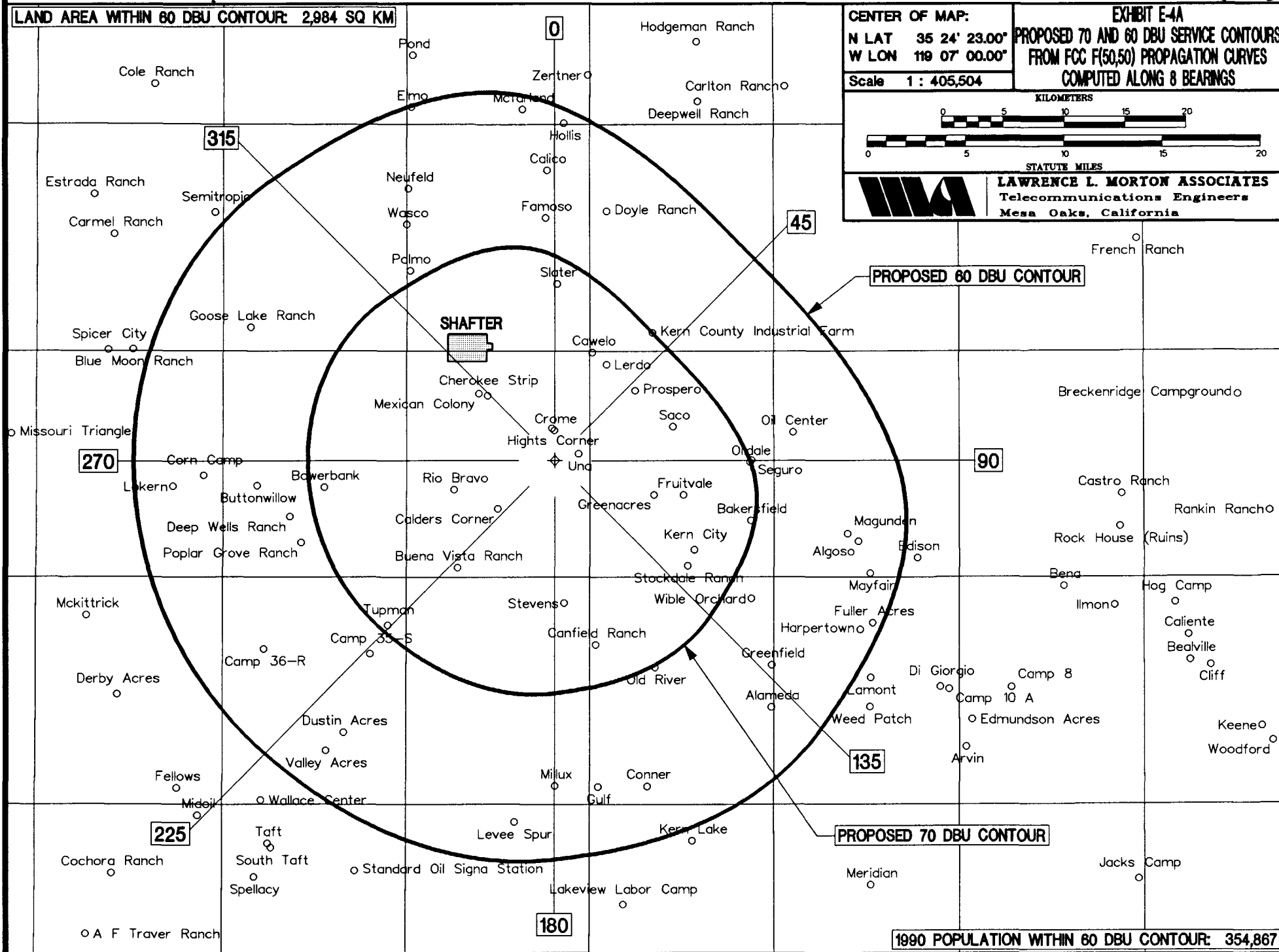
KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California



10' 00" Graticule Spacing

CENTER OF MAP:

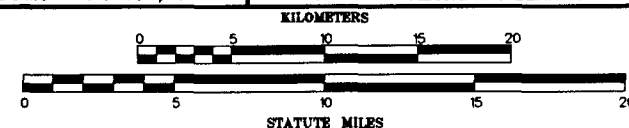
N LAT 35 24' 23.00"

W LON 119 07 00.00°

Scale 1 : 405,504

EXHIBIT E-4B

PROPOSED 70 AND 60 DBU SERVICE CONTOURS
FROM FCC F(50,50) PROPAGATION CURVES
COMPUTED ALONG 360 BEARINGS



LAWRENCE L. MORTON ASSOCIATES
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Mesa Oaks, California

